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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Raul Mendez, an individual,
Plaintiff,

v.

Does 1-5; The United States of America,
Defendant.

Case No.:

PLAINTIFF'S COMPLAINT

Jury Trial Requested

Plaintiff Raul Mendez ("Plaintiff"), by and through his undersigned counsel, files this Complaint (the "Complaint") against Defendants Does 1-5 and The United States of America ("USA"). In support of said Complaint, Plaintiff states and alleges the following:

JURISDICTION AND VENUE

1. This court has jurisdiction over this action and the claim contained herein pursuant to 28 U.S.C. § 1331. This court further has jurisdiction over the Federal Tort Claims Act claim pursuant to 28 USC § 1346(b)(1)2.

2. The acts and omissions giving rise to Plaintiff's claim occurred within the geographic boundaries of the County of Maricopa. Therefore, the appropriate venue for

1 this action is in the United States District Court for the District of Arizona, Phoenix
2 Division pursuant to 28 U.S.C. §§ 1391(b)(2) and 1391(e)(1).

3
4 3. The amount in controversy exceeds the minimal jurisdictional limits of this
5 Court.

6
7 **JURY DEMAND**

8 4. Plaintiff demands a trial by jury in this action.

9 **THE PARTIES**

10 5. Plaintiff Raul Mendez is an individual, a citizen of the United States, and a
11 resident of Arizona. At all relevant times to the present Complaint, Plaintiff resided in
12 Maricopa County, Arizona.

13
14 6. The true names and capacities of the defendants DOE 1 through 5 are
15 unknown to Plaintiff at this time but include potential USA Army service members who
16 were assigned to supervise and monitor Hunt and alert law enforcement of suspected
17 unlawful behavior. Therefore, Plaintiff sues these defendants by such fictitious names.
18 Plaintiff is informed and believes that each of the defendants designated as a DOE acted
19 wrongfully and is responsible in some fashion for Plaintiff's injuries as herein alleged.
20 These DOE defendants will be later named when and if their identities and further
21 information is obtained or made known to Plaintiff.
22
23

24 7. Defendant The United States of America ("USA") is a governmental entity.
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27
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BACKGROUND / FACTUAL ALLEGATIONS

8. This action arises from the failure of the USA Army to properly monitor an active duty service member – Jason Hunt – for psychological and mental concerns, which left unaddressed caused a mass shooting to occur at the hands of Hunt.

9. On July 3, 2022, between 10:00 p.m. and 10:28 p.m., 45-year-old Jason Hunt, shot and killed two people and seriously injured 4 others (the “Incident”), while at his neighbor's family gathering located at 14448 W. Carlin Dr., Surprise, AZ 85374 (the “Incident Location”).

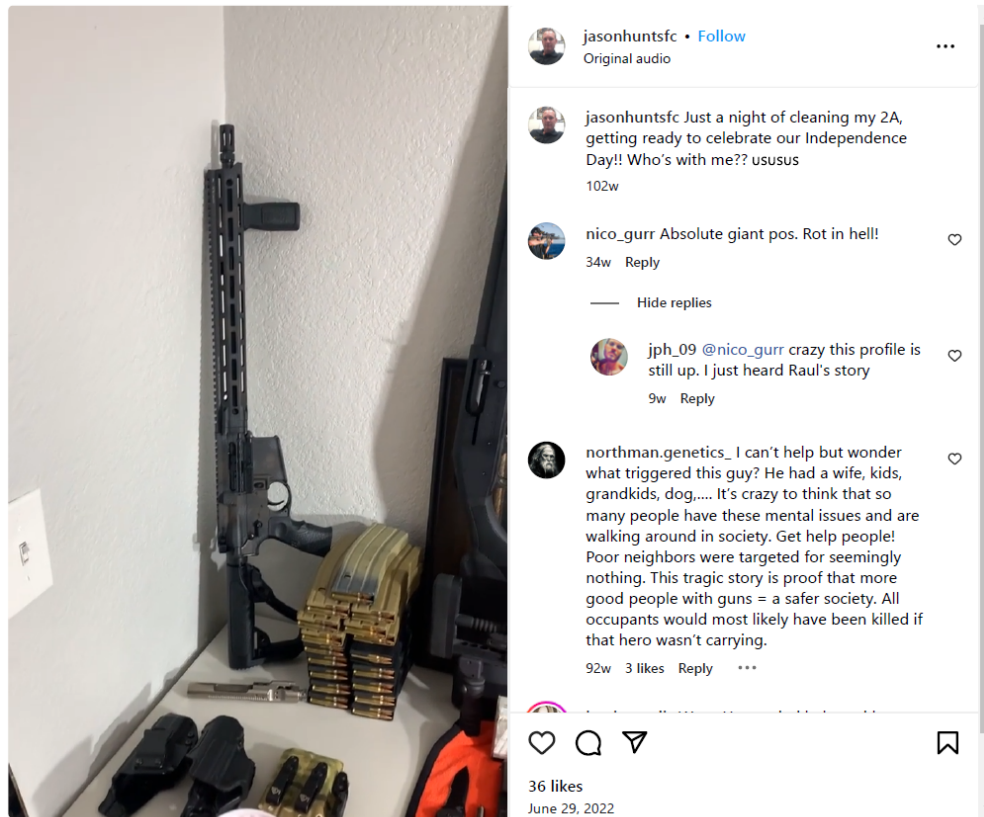
10. Hunt was also shot during this incident and succumbed to his injuries during an encounter with one of the victims in self-defense.

11. Hunt began displaying his guns publicly on Instagram with disturbing captions pointing to mental health decline and an increasing desire to use his weapons.

12. On June 16, 2022, with the caption “Time to clean the toys!! Pew Pew”, Hunt posted the following on his Instagram:



13. On June 29, 2022 with the caption “getting ready to celebrate our Independence day!! Who’s with me?? ususus”, Hunt posted the following:



14. These posts are important, because upon information and belief, the USA Army regularly performed psychological evaluations on Mr. Hunt.

15. Hunt’s behavior surrounding his weapons and desires to use them were clearly escalating, such the USA Army should have known and upon information and belief did know that emergent steps had to be taken to prevent one of its active duty servicemembers from harming the public, including Plaintiff.

16. It is believed that these evaluations showed that Mr. Hunt had potential mental disabilities that could result in harm to members of the public.

17. This is exactly what happened in the Incident.

1 18. Hunt's deteriorating mental health around weaponry was on public display
2 such that it would have been impossible for his superiors and the USA Army to miss it and
3 unconscionable for them to ignore it.
4

5 19. Further, upon information and belief, the USA Army and its members had
6 seen this disturbing behavior, had knowledge of Hunt's declining mental health, and failed
7 to act, intervene, provide services to Hunt, or report his behavior to the Federal Bureau of
8 Investigation ("FBI").
9

10 **ADMINISTRATIVE EXHAUSTION AND TOLLING**

11 20. On June 28, 2024, Mendez submitted a proper tort claim under the FTCA
12 (Form 95) to the USA Army locations in Surprise, Arizona, and to Fort Huachuca in Sierra
13 Vista, Arizona.
14

15 21. The USA Army acknowledged the receipt of the claim on July 3, 2024 and
16 assigned claim number 24-051-T028 to the claim.

17 22. On September 30, 2024, the USA Army, Office of the Judge Advocate
18 General, denied the claim and issued a denial letter.
19

20 23. This suit was commenced within six (6) months of that denial.
21

22 **STATEMENT OF INJURIES AND DAMAGES**

23 24. Mendez has sustained injuries as a result of the negligent failures of the
24 Army.
25

26 25. He has had surgeries, therapy, emotional trauma, and has lost one of his eyes
27 permanently.
28

1 26. Early medical damages exceed \$125,000 – including \$109,050.10 at Banner
2 Thunderbird (5555 W. Thunderbird Rd, Glendale, AZ 85306) after being airlifted from
3 Banner Del E Webb, and \$17,506.90 at Banner Del E Webb (14502 W. Meeker Blv., Sun
4 City West, AZ 85375), but the emotional damages and physical disabilities are lifelong.

5
6 27. Raul has been treated at several other locations following his hospital stays,
7 and continues to receive care related to the injuries sustained in the Incident.

8
9 **CLAIMS FOR RELIEF**

10 **COUNT I**
11 **FIRST CLAIM FOR RELIEF**

12 **Violation of Federal Tort Claims Act 28 U.S.C. 1346(b)(1)(for negligence**
13 **and negligent hiring training and supervision)**
14 **(Against all Defendants)**

15 28. Plaintiff incorporates by reference paragraphs 1 through 28 above as though
16 fully set forth herein.

17 29. Because six months has now passed since giving notice of the claim and
18 delivering the Form 95 and Plaintiff has sufficiently exhausted his administrative remedies
19 entitling him to now file a claim pursuant to the Federal Tort Claims Act.

20 30. The aforementioned conduct of the USA Army and its members were
21 negligent to the protection of the public.

22 31. The USA Army has a duty to protect the public from harm resulting from the
23 actions of its servicemembers.

24 32. By failing to supervise Hunt as an active duty servicemember, the USA and
25 the Army breached its duty to prevent harm to the public, including Plaintiff.
26
27
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1 33. By failing to address the mental health concerns of Hunt, the USA has
2 breached that duty to the public including Plaintiff in this action.

3 34. By failing to report to the FBI that Hunt was deteriorating mentally and was
4 displaying a propensity of violence and behavioral pattern of idolatry of weaponry with
5 statements posted publicly that he was going to party with his weapons, USA has breached
6 its duty to the public including Plaintiff.

7 35. By failing to intervene and properly report Hunt, the USA created an
8 unreasonable risk of bodily harm to Plaintiff and caused Plaintiff severe injuries and
9 emotional harm.

10 36. As a proximate result of the aforementioned acts and omissions of the USA,
11 Plaintiff suffered injuries and damages as set forth above and prayed for below.

12 37. The United States of America is liable for the conduct of the Army and its
13 members as asserted under the Federal Tort Claims Act.

14 38. As a proximate result of the Defendants' wrongful conduct, Plaintiff suffered
15 injuries and damages as set forth above and prayed for below

16
17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff prays for relief against Defendants as follows:

19 1. For judgment in favor of Plaintiff and against Defendants;

20 2. For all available general and special damages in the amount of \$1,500,000.00 or
21 according to proof at trial;

22 3. For Punitive damages in the amount of \$3,000,000.00 or an amount sufficient to
23 punish and deter Defendants from similar conduct in the future;

1 3. For all damages allowed by law;

2 4. For interest at the maximum legal rate pursuant to law;

3 5. For Costs and attorney's fees if allowed by law;

4
5 6. For any other such relief, whether legal or equitable, that the Court deems just
6 and appropriate.

7 **RESPECTFULLY SUBMITTED** this 30th day of March 2025.

8
9 **MILLS + WOODS LAW, PLLC**

10
11 By /s/ Sean Woods

12 Sean A. Woods

13 Robert T. Mills

14 5055 North 12th Street, Suite 101

15 Phoenix, AZ 85014

16 *Attorneys for Plaintiff*

17 **ORIGINAL** of the foregoing filed this
18 30th day of March 2025 with the
19 Clerk of the Court

20 /s/ Ben Dangerfield